

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TAM MINH TRAN,

Defendant.

DOCKET NO. 1:20-CR-119

ORDER DIRECTING ISSUANCE OF SUBPOENA DUCES TECUM

This matter is before the Court on Defendant's "Motion for Issuance of Subpoena Duces Tecum Pursuant to Federal Rule of Criminal Procedures 17(c) & (d)" and "Amended Unopposed Motion for Issuance of Subpoena Duces Tecum Pursuant to Federal Rule of Criminal Procedures 17(c) & (d)" (Docs. 23 & 24) (the "Motions").

In the Motions, Defendant requests that the Court authorize the issuance and service of a subpoena duces tecum to compel the production of certain records returnable to counsel for Defendant in preparation for sentencing. The Motions have not been filed under seal or *ex parte* and the Government does not oppose the Motions.

An application under Rule 17(c) for the issuance of a subpoena duces tecum must clear the hurdles of relevancy, admissibility, and specificity.

United States v. Nixon, 418 U.S. 683, 700 (1974). For the reasons stated in the Motions, the undersigned finds that Defendant has satisfied these requirements.

It also appears from the Motions that Defendant is unable to pay the costs of service of the requested subpoena and therefore that, pursuant to Rule 17(b) and (d), to the extent process costs and witness fees are generated, such costs and fees should be paid in the same manner as if the subpoena had been issued by the Government.

IT IS THEREFORE ORDERED THAT:

1. Defendant's "Motion for Issuance of Subpoena Duces Tecum Pursuant to Federal Rule of Criminal Procedures 17(c) &(d)" and "Amended Unopposed Motion for Issuance of Subpoena Duces Tecum Pursuant to Federal Rule of Criminal Procedures 17(c) & (d)" (Docs. 23 & 24) are **GRANTED** and a subpoena duces tecum shall be issued for the recipient named below:

Harrah's Cherokee Casino Resort
Attn: Jeremy Bell, Security Investigator
777 Casino Drive
Cherokee, NC 28719
Tel: (828) 497-8578

The subpoena shall direct that the following information be produced to counsel for Defendant by **June 2, 2021**, or at a later date as may be agreed upon by counsel for Defendant and the producing party:

Any and all documentation relating to Tam Minh Tran, specifically but not limited to Security Report Number 1912311401 including the tape review and players records concerning Tam Minh Tran. Additionally, any Harrah's Cherokee Casino "Caesar Rewards" account, security reports, payout reports, or lodging information regarding Tam Minh Tran generated from December 30, 2019 through December 31, 2019.

2. Pursuant to Rule 17(d), an investigator/paralegal for the Office of the Federal Public Defender may serve the subpoena. To the extent process costs and witness fees are generated, they are to be paid in the same manner as if the subpoena had been issued by the Government.

Signed: May 24, 2021



W. Carleton Metcalf
United States Magistrate Judge

